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10/647,618	08/25/2003	Susan G. Katz	SGK-001	2808
7590	01/12/2006			
EXAMINER				
JOHNSON, BLAIR M				
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/647,618
Filing Date: August 25, 2003
Appellant(s): KATZ, SUSAN G.

Susan G. Katz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/24/05 appealing from the Office action
mailed 1/13/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1,3 and 6-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hillstrom in view of Phillips.

Hillstrom discloses a banner attached to the exterior of a building, the banner being made of "any appropriate material", which clearly includes a fabric. The banner is removably attached so that it can be changed easily, column 2 lined 29-33. It is attached to an eave at the roof line of a fast food restaurant. What is not shown are the hook and loop fasteners. However, hook and loop fasteners for mounting sheets of decorative fabric is well known, as illustrated by Phillips at 18,20,22,28. It would have been obvious to replace the mounting means of Hillstrom with that of Phillips so as to render changing of the banner easier. The strip 18 is sewn to the fabric, column 2, line 58, and it would have been obvious to attach the other portion of the hook and loop fastener to support 24 via adhesive since such does not require mechanical fasteners as well as provides a continuous connection. The size of the hook and loop strip is clearly an obvious design choice depending on the size of the banner.

Regarding claim 6, as best understood, it would have been obvious to provide Velcro™ to vertical end sides of the banner in Hillstrom so as to prevent flapping of the banner due to wind.

(10) Response to Argument

Note that the 112(1) rejection was rescinded in light of Appellant's remarks in the request for consideration of 3/8/05.

Appellant argues that the Phillips device is not intended for being used outdoors, i.e. on the external façade of a building, and hence cannot stand up to “harsh conditions”. However, there is nothing in Phillips that indicates that his hook and loop connector cannot be used outdoors. Phillips is analogous to Hillstrom in each of the two lines of reasoning required for combining references: (1) Phillips is in the same field of endeavor as is Hillstrom- that of removably and replaceably supporting a decorative sheet element in an overhead position. Clearly, these are several similarities between the use and structure of these two references. Consequently, in the process of evaluating the art in the field of removably mounted overhead decorative sheet elements, Hillstrom and Phillips would each be found. (2) Even if Hillstrom and Phillips are not considered to be in the same field of endeavor, Phillips is reasonably concerned with the particular problem faced by Appellant, thereby leading Appellant to find Phillips. That problem is the removable attachment of a decorative sheet element that renders the sheet element easily attached, removed and changed, depending on changing circumstances. One of ordinary skill in the art would have looked to Phillips for these teachings and it would have been obvious to combine them with Hillstrom to likewise render the sheet elements of Hillstrom easily changed.

Appellant points out that Hillstrom states that “known devices” have not been suitable in outdoor environments, thereby alleging that Phillips is not useable outdoors. However, it is clearly from Hillstrom that hook and loop fasteners are not included in the list of “known devices”, thereby rendering this point inaccurate. If hook and loop fasteners were considered to be a known device discussed by Hillstrom, such would

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have been an indication that such is prior art and would have constituted a grounds for rejection under 35 USC 102.

It is noted that Appellant argues that the hook and loop fastener used in the appealed device is capable of being used in "harsh conditions" while that of Phillips is not. However, the present disclosure is silent as to how the hook and loop fastener used is different from any other hook and loop fastener, including those typically used indoors, as is Phillips.

The Hillstrom and Phillips references are clearly analogous, as discussed above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Blair M. Johnson

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Conferees:

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